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6 Attorneys for Defendant,  
OCEAN SPRAY CRANBERRIES, INC.  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 NOELLE MAJOR, individually and on behalf  
of all others similarly situated,

12 Plaintiff,  
13

14 vs.

15 OCEAN SPRAY CRANBERRIES, INC., a  
Delaware corporation; and DOES 1-10,  
16 inclusive,

17 Defendant.  
18

Case No. CV12-03067 EJD (HRL)

**STIPULATION AND ~~PROPOSED~~ ORDER  
MODIFYING CASE MANAGEMENT  
DEADLINES**

Complaint Filed: June 14, 2012  
Trial Date: None Set

1 WHEREAS, the Court entered a Case Management Order on October 1, 2013 (Dkt. #49);

2 WHEREAS, the Parties filed their respective pleadings regarding Plaintiff's Second Motion for  
3 Class Certification (Dkt. #50) ("Class Certification motion");

4 WHEREAS, the Clerk gave the Parties notice that the Court has taken the Class Certification  
5 motion under submission without oral argument pursuant to Civ. L. R.7-1(b) (Dkt. #67);

6 WHEREAS, the Court entered an Order Modifying Case Management Deadlines on March 10,  
7 2014 (Dkt. #69);

8 WHEREAS, Defendant filed a Motion for Partial Summary Judgment (Dkt. #55), and the Clerk  
9 gave the Parties notice that the Court has taken the Summary Judgment motion under submission  
10 without oral argument pursuant to Civ. L. R. 7-1(b);

11 WHEREAS, to date, the Parties have completed substantial written and deposition factual  
12 discovery, as well as limited expert discovery on Plaintiff's theory of class remedies in connection with  
13 her class certification motion. However, the Parties submit that, in the interests of efficiency, further  
14 discovery should be completed following the ruling on Plaintiff's Class Certification motion and  
15 Defendant's summary judgment motion. In that regard, the Parties believe that the Court's rulings on  
16 those motions will give the Parties substantial guidance as to the issues remaining in dispute and the  
17 evidence that will be necessary to present at the time of trial or in connection with any further  
18 dispositive motions. Similarly, the Parties submit that they are unable to designate all of their respective  
19 expert witnesses or complete all expert witness reports and conduct expert depositions until the Court  
20 rules on the Plaintiff's Class Certification motion and the Summary Judgment motion.

21 THEREFORE, the Parties stipulate and agree to the following, subject to Court approval:

22 (1) That the current deadlines set for expert disclosures and reports, for the close of discovery,  
23 and for dispositive motions, be amended as follows:

24 (2) That all fact discovery shall be COMPLETED by no later than 90 days after the Court's  
25 decision on the later of the Class Certification motion or the Summary Judgment motion;

26 (3) That Plaintiff's expert reports shall be due by no later than 120 days after the Court's  
27 decision on the later of the Class Certification motion or the Summary Judgment motion;

(4) That Defendant's expert reports shall be due by no later than 60 days after the deadline for Plaintiff's expert reports;

(5) That Plaintiff's rebuttal expert reports shall be due by no later than 30 days after Defendant's expert reports;

(6) That expert discovery shall be COMPLETED by no later than 240 days after the Court's decision on the later of the Class Certification motion or the Summary Judgment motion;

(7) That any further dispositive motions shall be filed by no later than 14 days after the close of expert discovery.

(8) In the event that any of the above-listed deadlines shall fall on a weekend or Court holiday, the effective deadline shall be the next business day.

DATED: December 5, 2014

Respectfully Submitted,  
GREENBERG TRAURIG, LLP

By /s/ Rick L. Shackelford  
Rick L. Shackelford  
Attorneys for Defendant,  
OCEAN SPRAY CRANBERRIES, INC.

DATED: December 5, 2014

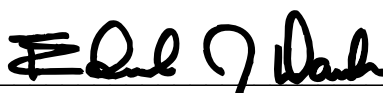
PRATT & ASSOCIATES

By /s/ Ben F. Pierce Gore  
Ben F. Pierce Gore  
Attorneys for Plaintiff,  
NOELLE MAJOR

PURSUANT TO THE PARTIES' STIPULATION, **IT IS SO ORDERED.**

DATED: 12/8/2014

LA 131894266v2

  
Hon. Edward J. Davila  
United States District Judge